

SAFE DRINKING WATER ACT (SDWA)

R6-9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements

1. AUTHORITY. Pursuant to the Safe Drinking Water Act (SDWA): to propose the assessment of a penalty against any person in violation of any administrative order issued under Part B of the SDWA; to issue, amend or withdraw complaints; and to negotiate and sign consent agreements between the Agency and respondents.
2. TO WHOM DELEGATED. Director, Compliance Assurance and Enforcement Division.
3. LIMITATIONS.
  - a. These authorities may only be exercised prior to the alleged violator's filing an answer or failure to file a timely answer to a complaint.
  - b. The delegatee may exercise the above authorities only for those cases initiated by Regions 6.
  - c. The Agency official authorized to sign the complaint should sign the consent agreement.
4. REDELEGATION AUTHORITY. These authorities may not be redelegated except for the authority to negotiate settlements which may be redelegated further.
5. ADDITIONAL REFERENCES.
  - a. Section 1414(g)(1) and (3) and Section 1445 of the SDWA.
  - b. 40 CFR Part 22.
  - c. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
  - d. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
  - e. Chapter 9 Delegation entitled "Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals" for authorities once the alleged violator files or fails to file an answer to the complaint.

Delegation of Authority from the  
Regional Administrator